

JAN 14 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM THE RICHLAND COUNTY Court of Common Pleas

DANIEL COBLE, 2774, Circuit Court Judge

Appellant Case No. 2025-002449

MARION WADE FRYE #375354 V. United States et al.

MARION WADE FRYE, Appellant, V. United States; State of South Carolina; South Carolina Department of Corrections (hereinafter S.C.D.C.); PRISMA Health Midlands Hospital (hereinafter PRISMA); Dr. Alan Howard Brill, MD; Dr. Nicholas D. Papadopoulos, MD; George Shealy; Colby Bounds; Gabrielle Jenkins; PRISMA-VICTORIA, RN; Trisha Ann Jones, CRNA; Laverce Smith; Samantha Robinson, RPA; South Carolina Governor Henry McMaster; South Carolina Attorney General Alan Wilson; S.C.D.C. Director Bryan Sterling; John Doe, S.C.D.C. medical Services Director; John Doe, MD, S.C.D.C. medical Services Evans Correctional Institution; Dr. Bruce Lobitz, MD, S.C.D.C. medical Services Broad River Correctional Institution; South Carolina Department of Labor, Licensing, and Regulations; State Board of Medical Examiners; United States Health and Human Services (hereinafter HHS), Food and Drug Administration; HHS, Office of the Inspector General; HHS, Office for Civil Rights; Jane Doe, MD, S.C.D.C. medical Services Tyger River Correctional Institution; John Doe, JAY, RN/LPN, S.C.D.C. medical Services Broad River Correctional Institution; South Carolina Office of the Inspector General; South Carolina Attorney General's Office; PRISMA Chief Executive Officer One; PRISMA Chief Executive Officer Two; Respondants;

MOTION

FOR LEAVE OF COURT TO TAKE DEPOSITION PENDING APPEAL

The Petitioner, MARION WADE FRYE, Pursuant to Rule 27(a)(1) of the South Carolina Rules of Civil Procedure (hereinafter S.C.R.C.P.) Petitions the Court to enter an order granting the Petitioner leave to take the oral Deposition of Witnesses:

PAGE ONE (1):

(A): Sholanda Jackson, S.C.D.C.
Behavioral Health Services, Broad River Correctional Institution;
4444 Broad River Road, Columbia, South Carolina 29210

(B): Amy Polliam, S.C.D.C. Grievance
Coordinator of the Turbeville Correctional Institution;
4444 Broad River Road, Columbia, South Carolina 29210

(C): LAW OFFICE OF MO' ABUSAFI, Monker Abusafi;
133 E. Fredricks Street, Gaffney, South Carolina 29340

(D): PRISMA, Dr. Alan Howard, BrM, MD;
5 Richland medical Park Road, Columbia, South Carolina 29203

(E): BAUCE, Lobitz, MD, S.C.D.C. medical Services
Broad River Correctional Institution, 4444 Broad River Road,
Columbia, South Carolina 29210

For the purposes of Perpetuating Testimony,
in Support of the Petition, the Petitioner Shows, the
Following to the Court:

(1): The Petitioner expects to be a Party to
an Action Cognizable in the Courts of this State but is
Presently unable to bring it because of the following reasons:

(i): The State of South Carolina, S.C.D.C.,
and S.C.D.C. Postal Employees are deliberately refusing to send
Petitioners' Summons and Complaints "CERTIFIED MAIL RESTRICTED
DELIVERY TO THE ADDRESSEE" to defendants, pursuant to Rule 4
(d)(8) S.C.R.C.P. and the Defendants are refusing to accept
Service of the Summons and Complaints in multiple Actions
Pending within this Court, and S.C.D.C. is purposely sending my
mail/Legal mail, "ONLY Certified mail", to avoid acceptance
of Service. BY Appellant scrutinizing the return receipts
requested and PRICED, the S.C.D.C. mailroom is not
charging Plaintiff sufficient amounts for the requested and
Selected Service on the United States Postal Service PS 3811
hard copy Form Receipts:

(1) (ii): The South Carolina Department of
Labor Licensing and Regulations, State Board of Medical
Examiners Refuses to Investigate Petitioner's Complaints and
and the TRUTHS OF FACTS revealed to Appellant and Pursuant to
Code of Laws of South Carolina 1976 annotated § 40-47-37;
PRACTICE OF TELEMEDICINE; REQUIREMENTS; the medical Board
shall retain all "AUTHORITY" with respect to Telemedicine
PRACTICE Pursuant to Code of Laws of South Carolina 1976 annotated
§ 40-47-10; STATE BOARD OF MEDICAL EXAMINERS; APPOINTMENT;
TERMS and VACANCIES; POWERS AND DUTIES; For the medical
Device of the described "Brain-Computer Interface Device and
SYSTEM" IS NOT CONTROLLING APPELLANT'S THOUGHTS;
"MEMORIES" and or "MOTOR FUNCTIONS" but rather the
medical Device enables the sharing of appellant's DECODED
NEURAL Data, of which is Deep Learning; See: 2022 WL
475538, (Patent, tr. and App. Bd.) EX PARTE HA TRAN; From
a mobile Evaluation Station; See: 2014 WL 5313861, IN RE
BODY SCIENCE L.L.C.; Patent Litigation, and are able to send
Evoked Potentials, and also stimulate distinctive described
areas within Plaintiff's entire Spectrum of Plaintiff's
NEUROLOGICAL SYSTEM, being described beforehand by these
State Officials within S.C.D.C.; See: 2022 WL 17261661,
(Patent and Tr. Bd.) EX PARTE PHILIP A. STAR; Nichole Swann;
Coralie De Hamptine and Jill Ostream; also See: West's
Colorado Administrative Code, title 100: Department of Labor,
~~§ 100-3-17~~ and
Employment; § 101; Division of Workers Compensation; § 101-3-17
Exhibit 2: MILD and Moderate/ Severe Traumatic Brain Injury
medical treatment Guidelines; and § 101-3-17 Exhibit 2B:
MODERATE / SEVERE Traumatic Brain Injury medical treatment
Guidelines; E.2.a.4: Evoked Potential Responses (EP);
all of which Violates Plaintiff's United States Constitutional
Right of the Fourteenth amendment, and the South Carolina
Constitution Article I, § 3: PRIVILEGES AND IMMUNITIES;
DUE PROCESS; EQUAL PROTECTION OF LAWS.

(1) (11): Petitioner is an inmate Pursuant to the South Carolina Constitution Article XII, § 9; Control of Convicts; Petitioner is an inmate under the supervision and control of OFFICERS employed by the State of South Carolina, and under the Direction of OFFICERS Detailed For these Duties by Authorities of the Penitentiary, All State OFFICERS, agencies, and Institutions within the Executive branch shall, when required by the Governor, shall give him information in Writing upon any Subject relating to the Duties and Functions of their respective OFFICES, agencies, and Institutions Pursuant to the South Carolina Constitution Article IV, § 17; DUTY OF STATE OFFICERS to give information to the Governor and Pursuant to the Code of laws of South Carolina 1976 Annotated § 1-3-440; Further Powers of the Governor: (2): ORDER any and all law Enforcement OFFICERS of the State or any of its Subdivisions to do whatever may be Deemed Necessary to maintain Peace and Good ORDER and; (3): ORDER the Discontinuance of any Transportation or other Public Facilities or in the alternative, direct such Facilities be operated by a State ~~agency~~ agency, For Pursuant to the Code of laws of South Carolina 1976 Annotated § 15-36-100; § 15-79-110; and § 15-79-125; medical malpractice is a Category of negligence, the distinction between medical malpractice and a Negligence Claim is subtle, Expert testimony is required to establish both the duty owed to the Patient and the Breach of that Duty unless the Subject matter of the Claim falls within a layman's Common Knowledge or Experience, See: Lino V. Yam Polsky 376 S.W.2d 182, 187, 656 S.E.2d 355, 358 (2008) (CHMG):

(i) (iii); David V. McLeod Reg'l med., Ctr., 367 S.C. 242, 248, 626 S.E. 2d 1, 4 (2006)); Bonaparte v. Floyd, 291 S.C. 427, 434, 354 S.E. 2d 40, 45 (Ct. App. 1987)), because medical knowledge is generally outside a juror's common knowledge, the requisite expert testimony assist the jury in making a more accurate determination of fault rendering whether a physician's negligence in rendering medical care proximately caused the patient's injury. See: Dawkins v. Union Hospital District, 408 S.C. 171, 758 S.E. 2d 50, 54 (2014). In a medical malpractice action, expert testimony is required to establish both the duty owed to the patient and the breach of that duty, "unless" the subject matter of the claims fall within a layman's common knowledge or experience, rather differentiating between the two types of claims depends heavily on the facts of each individual case. See: Estate of French v. Stratford House, 333 S.W. 3d 546, 555 (Tenn. 2011); Kujawski v. Arbor View Health Care Ctr., 139 Wis. 2d 455, 407 N.W. 2d 249, 252 (1987). Petitioner is being denied the proper medical image. Petitioner is requesting from S.C.D.C. of a MRI and a X-RAY, with Radio Plaque for the foreign object, lodged on Petitioner's right side and urinary tract. See: 2018 WL 3571364 (Patent trial and App. Bd.) Merck Sharp and Dohme Corp. v. Merck Sharp and Dohme B.V., Organon U.S.A., Inc., and Organon U.S.A., LLC v. Microspherix L.L.C., Patent owner's Plaintiff is awaiting the proper described medical image to enable Plaintiff an Expert Affidavit Pursuant to Code of Law of South Carolina 1976, Annotated § 15-79-125, and request the Court Grant Petitioner's MOTION:

(1) (iii): Due to defendants S.C.D.C., S.C.D.C., State Officials, and S.C.D.C. Convicted State Prisoners indirectly exposing to Petitioner and over time revealing the Truth of

(1) (iiii): the Implantation and Installation of the described Wireless telemetry neurological Device and System From Torturing Petitioner and Sharing Petitioner's Personal and Medical Neurological DECODED Data abroad - Petitioner has Filed the Current and mutual civil Actions pursuant to Code of Laws of South Carolina 1976 Annotated § 15-3-545: ACTIONS For Medical Malpractice: When the Action for damages arising out of the Placement and inadvertent accident, or Unintentional leaving of a Foreign object in the Body or Person by any appliance or apparatus in or upon any such Person by any Licensed Physician / Health Care Provider acting within the Scope of his Professional by reason of any medical, Surgical, or dental treatment or Operation, the Action must be Commenced within (2) two Years from the date of Discovery or when it reasonably ought to have been Discovered.

Plaintiff request the following Petition and Motion be GRANTED:

(2): The Petitioner's expected action will be For Damages Sustained to the Petitioner in incidents to include and Not be limited to the installation and Implantation of a Wireless Telemetry Neurological Stimulation Indwelling Brain-Computer Interface Device and System which occurred on or about October 11, 2022, approximately caused by PRISMA, PRISMA Employees, Dr. Alan Howard Brill, MD, S.C.D.C., and the United States the Expected adverse Parties to include and Not be limited to: the unknown to Defendants but unknown to Petitioner, PRISMA's medical Device manufacturer Corporation.

PAGE SIX (6):

(3): The Petitioner Proposes to establish the Specific Facts of the Installation and Implantation of the Wireless Neurological Stimulation Indwelling Brain-Computer Interface device and System, the Misuse and Abuse of the device and System, the Breach of the Contract and Petitioner enduring Torture from State Officials, Controlling and manipulating Petitioner's Entire Spectrum of Petitioner's Nervous System, and the Sharing of Petitioner's Personal and Medical Decoded Neural Data abroad within S.C.D.C., which was personally witnessed by S.C.D.C. defendants, S.C.D.C. inmates and PAISMA Employees whose testimony should now be perpetuated for use in the event of further proceedings in the Court, to "prevent the manifestation of injustice" and to avoid a failure or delay in Justice pursuant to Rule 27 S.C.R.C.P.

(4): The Persons Proposed to be examined on deposition by the Petitioner are provided in Section One (1) of this Motion whose testimony is expected to include the following:

(a): Was the Person Proposed to be examined and within S.C.D.C. advised to wear wireless ear hearing devices that broadcasted Plaintiff's Evoked Potentials and Decoded Neural Data via from a mobile evaluation station, and best described by a Duke University Law School Professor's Book and Law Article by Nita A. Farahany: Book: Beyond Neural Data: Cognitive Biometric and mental Privacy; and Law Article: "64 Stanford Law Review 351" article: "Incriminating Thoughts" See: (11): THE SPECTRUM FROM NEUROSCIENCE; (C): MEMORIALIZED; (2): EPISODIC MEMORIES; (D): UTTERANCES; (1): VOLUNTARY UTTERANCES; and (D)(2): EVOKED UTTERANCES;

PAGE SEVEN (7):

(4)(a): Evoked Utterances differ from Voluntary ones by the manner in which they are obtained. Evoked Utterances, like Voluntary ones, included audible and inaudible answers, Spoken Words, Written Answers, and Visual depictions. Even when "No Audible Communication" is made, these responses create distinctive "Physiological Changes" in the Brain that can be "Decoded" into "Contemplated Words", "Thoughts", "Recalled Memories" and "Visual Imagery"; SEE: (11); THE SPECTRUM FROM NEUROSCIENCE (D); Utterances, (a): Evoked Utterances, (a): Active Memory Recall, (b): Binary Responses, and (c): Complex Words and Thoughts.

Reading the Visual Cortex to Recreate what a person is seeing or "Reading the Motor Cortex to Interpret Motor Based Intentions" are just the first amazing steps towards a future of more expansive mind reading. "Our ability to already "read" these areas of the brain" through coupling brain activity with pattern recognition algorithms as decoders suggest that mind reading is more than just a remote possibility.

(4)(b): Are the persons proposed to be examined on NOTICE, Informed and AWARE that a wireless telemetry neurological device an indwelling brain-computer interface device and system is being misused and abused and is broadcasting Petitioner's personal and medical neurological decoded data via state officials within S.E.A.C.?

PAGE EIGHT (8):

(4)(C): Are the Persons Proposed to be examined on NOTICE, Informed, and ~~is~~ aware that State Officials are Physically hurting and assaulting Petitioner, via, instructed medical Commands of Sending Evoked Potentials throughout the entire Spectrum of Plaintiff's Neurological System and within S.C.D.C.?

(4)(D): Are the Persons Proposed to be Examined on NOTICE, Informed, and ~~is~~ aware that the Described Wireless telemetry Neurological Device, an Indwelling Brain-Computer interface Device and System is Not listed within MARION FRYE'S medical Records from an Open Reduction Nasal Fracture Septoplasty Surgical Procedure, performed by PRISMA'S PRISMA employees, Alan Howard Brill, MD, and while in the Care, Custody, and Control of S.C.D.C.?

(4)(E): Are the Persons Proposed to be examined on Notice, informed, and ~~is~~ aware S.C.D.C. has Notice, is Informed, and ~~is~~ is aware that a Foreign object, in Connection to the Septoplasty Surgical Procedure, is lodged on Plaintiff's Right Side and/or Urinary Tract?

Wherefore, the Petitioner Respectfully requests the Court to enter an order authorizing the Petitioner to take Depositions of these Described Witnesses for the Purpose of Perpetuating their Testimony and for such other and further relief in Favor of the Petitioners as the Court deems just and proper.

January 3, 2025
Turbeville, S.C.

Marion Wade Frye
MARION WADE FRYE #375354
1578 Clarence Coker Hwy.
Turbeville, S.C. 29162

VERIFICATION

I, MARION WADE FRYE, Verify, Certify, State, and declare Under the Penalty of Perjury the Following to be True.

(1): I, MARION WADE FRYE have been Duly Sworn, appeared Before the undersigned and Deposed before this Action as follows:

(2): I am the Petitioner for leave to take Depositions before this Action is Commenced.

(3): I have read the foregoing Petition and verify that the Factual Statements Contained therein are True, except any Stated on Information and belief; and of the latter, I believe them to be True.

January 3, 2025

Marion Wade Frye
MARION WADE FRYE #376354

CERTIFICATE OF SERVICE

I MARION WADE FRYE Certify that I did on this date Serve Appellant's MOTION To TAKE Depositions Pending Appeal, by Placing a COPY of the Same addressed as follows:

(1): United States
Attn: U.S. Attorney General
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

(2): South Carolina Governor
Attn: Henry Mcmasters
1100 Bervats Street
Columbia, S.C. 29210

(3): PRISMA; Dr. Alan H. Brill MD; Dr. Nicholas D. Papadopoulos MD; George Shealy; PRISMA-VICTORIA RN; Trisha Ann Jones; CRNA; Lawrence Smith; Colby Bounds; Gabrielle Jenkins; Linda Heatwold; Samantha Robinson; RPA; PRISMA CEO One; and PRISMA CEO TWO;

Attn: PRISMA Chief Executive Officer and Dr. Alan Howard Brill
5 Richland Medical Park Road; Columbia, S.C. 29203

(4): John Doe, MD, S.C. D.C. Medical Services Evans Corr. Inst.;
Bruce Lobitz, MD, S.C. D.C. Medical Services Broad River C.I.;
Jane Doe, MD, S.C. D.C. Medical Services Tyer River C.I.;
John Doe, RN/LPN, S.C. D.C. Medical Services Broad River C.I.;

Attn: General Counsel
4444 Broad River Road; Columbia, S.C. 29210

(5): South Carolina Dept. of Labor, Licensing and Regulations State Board of Medical Examiners;

Attn: DIRECTOR
110 Center View Drive, Suite 202; Columbia, S.C. 29210

CASE No. : 2025-002449

MOTION For leave of Court To TAKE Deposition Pending Appeal :

CERTIFICATE OF SERVICE

(6) : South Carolina ; S.C. D.C. ; South Carolina Attorney General
Alan Wilson ; Bryan Sterling ; S.C. D.C. medical Services
Director ; South Carolina Attorney General's OFFICE ;
Attn: Richardson, Plowden, and Robinson P.A.
P.O. Drawer 7788 ; Columbia / S.C. 29202

(7) : United States Health and Human Services (hereinafter HHS),
Food and Drug Administration ; HHS, OFFICE FOR CIVIL RIGHTS ;
HHS, OFFICE OF THE INSPECTOR GENERAL ;
Attn: SECRETARY and General Counsel
200 Independence Avenue, S.W. ; Washington, D.C. 20034

(8) : South Carolina OFFICE OF THE INSPECTOR GENERAL
Attn: INSPECTOR GENERAL
111 Executive Center Drive, Suite 204
Columbia, S.C. 29210

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JAN 14 2026

SC Court of Appeals

January 8, 2026

PAGE Eleven (11) :

Marion Wade Frye
MARION WADE FRYE # 378354
1578 Clarence Coker Hwy,
Turbeville, S.C. 29162

South Carolina Department of Corrections
Division of Finance
COOPER TRUST FUND WITHDRAWAL

Financial Accounting
Branch Use Only:

Facility: Turbeville

0571
Location Code

Date: 010826
M M D D Y Y

ACCOUNT INFORMATION

Account Number: 375354
Inmate # or Employee SS#

Account Name: marion
First

W Frye
MI Last

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I request money be taken from my account to issue a check for this amount to be mailed to payee shown below.

\$, 50.00

Marion Frye
Inmate/Accountholder Signature



Jessie A.
Signature of Institution Staff Inmate ID Verification

Inmate Thumb & Index fingerprints required.

Signature of Warden / Printed Name of Warden

check form brought and sign inside unit
A/C No: 2025-602449: No mail room;
motion to take deposition pending appeal;

PAYEE INFORMATION

Payee Namer: select vendor OR individual

Vendor/Business: South Carolina Ct Appeals

Individual: []
First MI Last

PAYEE'S MAILING ADDRESS

Street/Box: P.O. Box 11629

Street/box (optional line): []

Columbia
City

SC
State

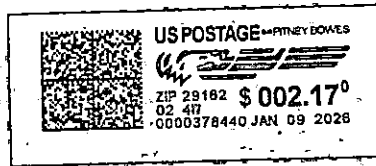
29211
Zip Code

VENDOR ATTACHMENT: Y/N

If an ORDER or REMITTANCE form is attached for mailing with a check to vendor enter Y-yes; if none, enter N.

NO other types of attachments (letters, cards, etc.) will be accepted.

MARION WADE FRME# 376354
Turbeville S.C. TA-134-B
1578 Clarence Coker Hwy
Turbeville S.C. 29162



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JAN 09 2026

MAIL ROOM
TURBEVILLE CI

South Carolina Court of Appeals
P.O. Box 11629
Columbia S.C. 29211

LEGAL MAIL

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